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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,034	01/10/2006	Kazuo Miyagawa	107355-00145	3996
4372	7590	06/29/2007	EXAMINER	
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER
			3618	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,034

Applicant(s)

MIYAGAWA ET AL.

Examiner

Hau V. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 1/10/2006 has been considered.

Abstract

3. The abstract of the disclosure is objected to because all the reference number and letter have to be in parentheses. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-2 and 7, the phrase "in such a way as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 1-2 and 7, the phrase "in the almost same attitude as in a mounted state on said car body frame" is not clear, what is almost same attitude.

Regarding claim 6, the phrase "the other of" is not clear, whether what is the other part.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (5,472,063).

Watanabe et al. in figures 1-10, disclose a power unit mounting assembling method for mounting a power unit (5) including a power source (3) and a speed reducer (4) on a car body frame (1). Watanabe et al. also disclose a mount (11) carrying a static load of the power unit, which is interposed between the power unit and the car body

frame. Watanabe et al. also disclose a sub-frame attached on the car body frame between the power unit and the car body frame. The method comprises in succession: a first step of assembling the power unit into the sub-frame in the same attitude as in a mounted state on the car body frame by supporting the power unit via an on-board mount (35, 36) on the sub-frame. Watanabe et al. also disclose a second step of attaching the sub-frame on which the power unit is mounted at the first step to the car body frame and a third step of supporting the power unit via the mount on the car body frame.

Regarding claim 2, Watanabe et al. disclose the on-board mount that is removed from between the sub-frame and the power unit after the end of the third step.

Regarding claim 3, Watanabe et al. disclose the mount including a power source side mount and a speed reducer side mount (see figure 1), which are interposed between roughly both end portions of the power unit along a principal axis of inertia (C) and the car body frame to share the static load of the power unit, wherein the power unit is mounted on the car body frame in such a way as to interpose an almost horizontal torque rod between the sub-frame to be attached on the car body frame and a portion of the power unit apart from the principal axis of inertia and wherein the first step includes assembling the power unit into the sub-frame in the almost same attitude as in the mounted state on the car body frame by connecting the power unit and the sub-frame via the torque rod and supporting at least two positions on a lower portion of the power unit on the sub-frame via the on-board mount.

Regarding claim 4, Watanabe et al. disclose the power source side mount, the

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speed reducer side mount and the on-board mounts comprising supported members attached to the power unit. The supporting members attached to the car body frame and the sub-frame. Watanabe et al. also disclose mount rubbers, which is interposed between the supported members and the supporting members corresponding and wherein the rubber contents of the mount rubbers provided for the on-board mounts that are set to be smaller than the rubber contents of the mount rubbers provided for the power source side mount and the speed reducer side mount.

Allowable Subject Matter

8. Claims 5-6 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kojima et al. disclose a damper unit for motor power unit; Schulz discloses an engine mount; Riesing discloses an engine mounting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hau V Phan
Primary Examiner
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